REMARKS

In the non-final Office Action, the Examiner rejected claims 1, 2, 11-13, 38, 42-44, 48-52, and 59 under 35 U.S.C. § 103(a) as unpatentable over Bowman et al. (U.S. Patent No. 6,006,225) in view of Search Engine Showdown ("Google News Loses Functionality," 2003) (hereinafter referred to as "SES") and Teare et al. (U.S. Patent No. 6,151,624); and rejected claims 7-9, 45-47, 53-58, and 60 under 35 U.S.C. § 103(a) as unpatentable over Bowman et al. in view of SES and Teare et al. and further in view of Korda et al. (U.S. Patent No. 6,564,210).

By this Amendment, Applicant amends claims 1, 12, 38, 42, 43-49, 52-55, 57, 59, and 60 to improve form. Applicant respectfully traverses the Examiner's rejections under 35 U.S.C. § 103. Claims 1, 2, 7-9, 11-13, 38, and 42-60 remain pending.

REJECTION UNDER 35 U.S.C. § 103 BASED ON BOWMAN ET AL., SES, AND TEARE ET AL.

In paragraph 2 of the Office Action, the Examiner rejected claims 1, 2, 11-13, 38, 42-44, 48-52, and 59 under 35 U.S.C. § 103(a) as allegedly unpatentable over Bowman et al., SES, and Teare et al. Applicant respectfully traverses the rejection.

Independent claim 1 is directed to an automated method that comprises receiving, by a processor, a search query; determining, by the processor, whether the received search query includes an entity name corresponding to a particular entity; determining, by the processor, whether to rewrite the received search query based on information relating to selections of search results from prior searches conducted based on prior search queries including the entity name; rewriting, by the processor, the received search query to include a restrict identifier relating to a domain associated with the particular entity when the information, relating to selections of search results from the prior searches, indicates that users intended the particular entity when the

users submitted the prior search queries including the entity name; automatically performing, by the processor, a search restricted to the domain associated with the particular entity, based on the rewritten search query, to generate a list of search results; and outputting, by the processor, the list of search results for presentation on a display.

Bowman et al., SES, and Teare et al., whether taken alone or in any reasonable combination, do not disclose or suggest the combination of features recited in claim 1. For example, Bowman et al., SES, and Teare et al. do not disclose or suggest rewriting, by a processor, a received search query to include a restrict identifier relating to a domain associated with a particular entity when information relating to selections of search results from prior searches indicates that users intended the particular entity when the users submitted the prior search queries including the entity name, as recited in claim 1.

The Examiner alleged that Bowman et al. discloses rewriting a received search query when information relating to selections of search result from prior searches indicates that users intended a particular entity when the users submitted prior search queries including the entity name and cited column 6, line 59 - column 7, line 34, of Bowman et al. for support (Office Action, page 3). Applicant submits that the disclosure of Bowman et al. provides absolutely no support for the Examiner's allegation.

At column 6, line 59 - column 7, line 34, Bowman et al. discloses storing a related term together with a correlation score that indicates the number of times the related term has appeared in combination with a key term in user queries. Bowman et al. also discloses that when a user submits a query, one or more related terms are identified and these related terms are presented as suggested terms with the query result listing. Nowhere in this section, or elsewhere, does

Bowman et al. disclose or suggest anything that can reasonably correspond to information relating to selections of search results from prior searches. Rather, Bowman et al. discloses something very different: the number of times that a related term has appeared in combination with a key term in user queries (col. 6, lines 30-32). Simply identifying the number of times that two query terms appear together in a user query is totally unrelated to selections of search results from prior search queries. Thus, contrary to the Examiner's allegation, Bowman et al. does not disclose or suggest rewriting, by a processor, a received search query . . . when information relating to selections of search results from prior searches indicates that users intended the particular entity when the users submitted the prior search queries including the entity name, as recited in claim 1.

In response to a similar argument previously presented by Applicant, the Examiner alleged:

> Note that the cited passage of Bowman discloses invoking a "related term selection process." These related terms are discovered based upon queries which were previously ran successfully, which **appears to be equivalent** to the Applicant's claimed "information relating to selections of search results from prior search queries" [Bowman: column 7, lines 4-10 and column 7, lines 14-17].

(Office Action, page 10) (emphasis added). It is unclear from the Examiner's allegation whether the Examiner is (1) alleging that entering multiple terms of a user query corresponds to selecting search results, or (2) alleging that because the selection process in Bowman et al. is "based upon queries which were previously ran successfully" that this somehow corresponds to information relating to selections of search results. In either case, Applicant submits that the Examiner's allegation lacks merit.

In response to (1), as the Examiner must realize, entering terms of a user query and

selecting search results are completely different functions and cannot reasonably be considered to be equivalent. When a user desires to perform a search, the user may enter one or more terms that form a user query. The user query may be presented to a search engine that performs a search, based on the user query, and returns a set of search results. The user might select one or more of the search results to obtain the documents corresponding to these search results. Thus, clearly, entering terms of a user query cannot be considered equivalent to selecting search results. If the Examiner continues to assert that entering terms of a user query is "equivalent" to selecting search results, the Applicant requests that the Examiner provide a reasonable explanation of how entering terms of a user query can reasonably be considered the same as selecting search results.

In response to (2), Bowman et al. discloses considering "successful" multi-term query submissions when selecting related terms (col. 9, lines 42-55). Bowman et al. defines a "successful" query submission as one that produces at least one search result (col. 9, lines 50-65). This disclosure of Bowman et al. of considering successful multi-term query submissions has absolutely nothing to do with whether any search results from these successful query submissions were selected. Thus, this disclosure of Bowman et al. cannot reasonably correspond to information relating to selections of search results.

Thus, contrary to the Examiner's allegation, Bowman et al. does not disclose or suggest rewriting, by a processor, a received search query . . . when information relating to selections of search results from prior searches indicates that users intended the particular entity when the users submitted the prior search queries including the entity name, as recited in claim 1.

The Examiner admitted that Bowman et al. does not disclose rewriting a received search

query to include a restrict identifier (Office Action, page 4). The Examiner alleged that SES discloses restricting searches to a domain or site of a news source using a restrict identifier (Office Action, page 4). The Examiner alleged that it would have been obvious to include a restrict identifier in Bowman et al. "to allow the user to narrow the search results and to aid in providing the desired web page" (Office Action, page 4). Applicant submits that the Examiner's allegation lacks merit.

Bowman et al. already discloses narrowing search results by presenting related query terms. The Examiner has not explained how the Bowman et al. system would benefit from including a restrict identifier relating to a domain associated with a particular entity. In fact, Applicant submits that a restrict identifier would add nothing to the operation of the Bowman et al. system since Bowman et al. appears to disclose searches associated with a single domain (i.e., the Amazon.com web site) (col. 4, lines 58-67). Thus, even assuming, for the sake of argument that Bowman et al. discloses receiving a search query that includes an entity name corresponding to a particular entity (a point that Applicant does not concede), Bowman et al. would not disclose or suggest rewriting the received search query to include a restrict identifier relating to a domain associated with the particular entity even if one of ordinary skill in the art at the time of Applicant's invention was aware of the Bowman et al. system and the disclosure of SES.

In response to a similar argument previously presented by Applicant, the Examiner alleged:

> The embodiment cited by Applicant in Bowman: column 4, lines 58-67 appears to be directed to only a single domain (i.e., the Amazon.com web site). However, Bowman: column 4, lines 35-40 lists other implementations of the Bowman invention. An alternative implementation states that the search refinement methods of the Bowman invention could be implemented as an on-line services network. Surely, an "on-line services network" comprises a plurality of two or

> more domains.
>
> In such an embodiment, as suggested by Bowman, a search such as that disclosed by the "source" command disclosed by SES for limiting a search to particular domain would indeed be useful. Furthermore, the results would be predictable.

(Office Action, page 12) (emphasis in original). It appears from the Examiner's choice of language, that the Examiner is alleging that two or more domains are inherent to an on-line services network. Applicant disagrees. This conclusion appears to be based solely on impermissible hindsight.

According to M.P.E.P. § 2112, the fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. In relying upon the theory of inherency, the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art. Inherency cannot be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient. In this case, the Examiner's allegation does not meet the requisite burden of proof to establish inherency. For example, the Examiner has provided absolutely no evidence that an on-line services network necessarily includes two or more domains. Thus, contrary to the Examiner's allegation, adding the restrict identifier of SES into the system of Bowman et al. would not lead to predictable results because Bowman et al. discloses a system directed to a single domain.

Further, even assuming, for the sake of argument, that the disclosure of Bowman et al. could somehow be construed to disclose a multi-domain system (a point that Applicant does not concede), modifying the Bowman et al. system to include a restrict identifier would not operate

as alleged by the Examiner. Contrary to the Examiner's allegation, modifying the Bowman et al. system to include a restrict identifier would merely permit a user to provide a restrict identifier in a user query, perform a search limited to a source identified by the restrict identifier, and provide the user with terms related to the terms that the user entered for the user query. Thus, contrary to the Examiner's allegation, modifying the Bowman et al. system to include a restrict identifier would not result in rewriting, by a processor, a received search query to include a restrict identifier relating to a domain associated with a particular entity when information relating to selections of search results from prior searches indicates that users intended the particular entity when the users submitted the prior search queries including the entity name, as recited in claim 1. The Examiner has provided absolutely no evidence as to why modifying the Bowman et al. system to include a restrict identifier would do anything more than perform a search limited to a particular source only when a user includes the restrict identifier in the user query. This would be the only predictable result that would be produced by modifying the Bowman et al. system to include a restrict identifier.

The Examiner also relied upon Teare et al. for allegedly disclosing resolving an entity name to a corresponding URL based on statistics from prior queries (Office Action, page 4). Applicant submits that it is unclear as to what features of claim 1 the Examiner is asserting that Teare et al. discloses. Claim 1 does not recite resolving an entity name to a corresponding URL based on statistics from prior queries. Nevertheless, Applicant submits that Teare et al. does not cure the deficiencies in the disclosures of Bowman et al. and SES.

Teare et al. discloses a system that maps real names to network addresses (i.e., URLs), where a "real name" is the name of a network resource expressed in conventional syntax of a

natural language (col. 9, lines 8-12). Teare et al. discloses that if a real name yields more than a single match (e.g., the real name "Microsoft" might match the real names "Microsoft Excel" and "Microsoft Word"), then statistical information, including a usage value computed by applying a weighting function to a count of past resolutions for that real name, is used to order the matches (col. 21, lines 39-56). Teare et al. does not disclose or suggest anything that would cure the deficiencies in the disclosures of Bowman et al. and SES that are identified above. Thus, Bowman et al., SES, and Teare et al., whether taken alone or in any reasonable combination, do not disclose or suggest rewriting, by a processor, a received search query to include a restrict identifier relating to a domain associated with a particular entity when information relating to selections of search results from prior searches indicates that users intended the particular entity when the users submitted the prior search queries including the entity name, as recited in claim 1.

In response to a similar argument previously presented by Applicant, the Examiner alleged:

> Specifically note Teare: column 21, lines 20-24 which recites, "In block **508**, the Resolver **40** receives a response from index **30** that contains the network address or URL that corresponds to the real name in the request from the client **70**." (emphasis added by Examiner)
>
> Furthermore, note that the process of resolving the URL from the entity name (real name in the request) includes consulting information from prior queries [Teare: column 21, lines 50-56; Note "statistical information" from "past resolutions" for a particular name.].

(Office Action, page 13) (emphasis in original). The Examiner still has not explained what feature(s) of claim 1 Teare et al. allegedly discloses. Rather, the Examiner merely quotes and/or cites to certain portions of Teare et al. that allegedly disclose resolving real names into network

addresses. Claim 1 does not recite resolving real names into network addresses. Regardless of whether Teare et al. discloses resolving real names into network addresses, Teare et al. does not cure the deficiencies in the disclosures of Bowman et al. and SES identified above. Thus, Bowman et al., SES, and Teare et al., whether taken alone or in any reasonable combination, do not disclose or suggest rewriting, by a processor, a received search query to include a restrict identifier relating to a domain associated with a particular entity when information relating to selections of search results from prior searches indicates that users intended the particular entity when the users submitted the prior search queries including the entity name, as recited in claim 1.

Bowman et al., SES, and Teare et al. also do not disclose or suggest automatically performing, by a processor, a search restricted to the domain associated with the particular entity, based on the rewritten search query, to generate a list of search results, as further recited in claim 1.

The Examiner alleged that Bowman et al. discloses performing a search based on a rewritten search query (Office Action, page 3). The Examiner admitted that Bowman et al. does not disclose automatically performing this search, but instead discloses simply providing hyperlinks to rewritten search queries (Office Action, page 3). The Examiner cited to a prior legal decision that allegedly supports the notion that automating a manual activity is not sufficient to distinguish over the prior art (final Office Action, paragraph 1). Applicant again submits that the Examiner is misapplying the prior legal decision.

Claim 1 does not simply recite automating a manual activity. In other words, performing a search is not a manual activity. It is an automated activity, which is being automatically

performed in claim 1. In other words, claim 1 recites that a search is automatically performed (i.e., a search is performed without requiring the user to select a link to perform the search). By automatically performing the search, as recited in claim 1, a user can be presented with useful search results faster than, for example, a system that requires the user to select a link to perform a search. Thus, the Examiner is misapplying the prior legal decision.

Even assuming, for the sake of argument, that it would have been obvious to automate the performing of a search in Bowman et al. (a point that Applicant does not concede), the resulting system still would not automatically perform a search restricted to the domain associated with the particular entity, based on the rewritten search query, to generate a list of search results, as recited in claim 1. For at least these reasons, Applicant submits that a *prima facie* case of obviousness has not been established with regard to claim 1.

For at least these reasons, Applicant submits that claim 1 is patentable over Bowman et al., SES, and Teare et al., whether taken alone or in any reasonable combination. Claims 2, 11, 50, and 51 depend from claim 1 and are, therefore, patentable over Bowman et al, SES, and Teare et al. for at least the reasons given with regard to claim 1. Claims 2, 11, 50, and 51 are also patentable over Bowman et al., SES, and Teare et al. for reasons of their own.

For example, claim 2 recites providing a link to the received search query with the search results, where selection of the link causes a search to be performed based on the received search query. Bowman et al., SES, and Teare et al., whether taken alone or in any reasonable combination, do not disclose or suggest this feature.

The Examiner alleged that Bowman et al. discloses a link to the received search query and cited item 910 in Figure 9 of Bowman et al. (Office Action, page 4). Applicant submits that

the Examiner's allegation lacks merit.

Bowman et al. specifically describes that item 910 corresponds to links to search queries that have been modified to include related terms (col. 14, lines 13-17). Contrary to the Examiner's allegation, none of the links in item 910 is a link to the received search query. Bowman et al. specifically discloses that the received search query is "outdoor trail" (Fig. 9; col. 14, lines 13-15). None of the links in item 910 is a link to the received search query of "outdoor trail." Rather, the top link in item 910 is a link to the search query of "outdoor trail bike;" the middle link in item 910 is a link to the search query of "outdoor trail sports;" and the bottom link in item 910 is a link to the search query of "outdoor trail vacation" (Fig. 9). Thus, Applicant submits that there is no merit to the Examiner's allegation. Nowhere in connection with Figure 9, or elsewhere, does Bowman et al. disclose or suggest providing a link to a received search query with search results obtained from a search performed on a domain associated with a particular entity, where selection of the link causes a search to be performed based on the received search query, as recited in claim 2. SES and Teare et al. also do not disclose or suggest this feature of claim 2.

In response to a similar argument previously presented by Applicant, the Examiner alleged:

> Specifically, the links to the received search query are found in Fig. 9, element 910. Also note that these links are provided in the same page with the search results found in Fig. 9, element 920. It is important to note that the links to previous search queries in Fig. 9, element 910 point to the received search query, and propose appending an additional search term. While this link does initiate the modification of the query, it is still clear that it also links to the originally received search query.

(Office Action, pages 15-16). There is absolutely no merit in the Examiner's allegation. None of

the links in item 910 is a link to the received search query, as explained above. Thus, Bowman et al. does not disclose providing a link to the received search query with the search results, where selection of the link causes a search to be performed based on the received search query, as recited in claim 2.

For at least these additional reasons, Applicant submits that claim 2 is patentable over Bowman et al., SES, and Teare et al., whether taken alone or in any reasonable combination.

Claim 50 recites that the entity name corresponds to a store name associated with a particular store, and automatically performing the search restricted to the domain associated with the particular entity includes automatically performing a search restricted to a domain associated with the particular store. Bowman et al., SES, and Teare et al., whether taken alone or in any reasonable combination, do not disclose or suggest these features.

The Examiner did not address these features, but instead simply referred to the rejection of claim 43 (Office Action, page 5). With regard to claim 43, the Examiner alleged that SES shows that it is desirable to restrict to a domain for a given source name (Office Action, page 5). Applicant disagrees with the Examiner's allegation.

SES does not disclose or suggest that it is "desirable" (Examiner's wording) to restrict to a domain for a given source name, as alleged by the Examiner. Instead, SES discloses that it is possible to restrict a search to a particular news source in Google News. Nowhere does SES disclose or remotely suggest restricting a search to a domain associated with a particular store associated with a store name included in a received search query. Rather, SES only discloses that the restrict feature is available in Google News. Thus, SES does not disclose or suggest automatically performing a search restricted to a domain associated with the particular store

associated with a store name included in a received search query, as recited in claim 50.

In response to a similar argument previously presented by Applicant, the Examiner alleged:

> It is clear that SES discloses restricting a given search query to a domain for a given source name [specifically, source: new_york_times]. The Examiner sets forth that this source name can come from any entity that has a URL. It can be a particular web site URL, a news source [as explicitly shown in SES], or a store name found in the URL of an online shipping web site.

(Office Action, pages 16-17). Contrary to the Examiner's allegation, SES does not disclose that searches can be restricted for "any entity that has a URL." Rather, SES discloses restricting searches in Google News. Applicant requests that the Examiner provide evidence that supports the Examiner's assertion that SES discloses restricting searches to a "source name [that] can come from any entity that has a URL." The Examiner should understand that if the Examiner is asserting that this would be an obvious modification of the SES disclosure, the Examiner is required to provide reasons to support why it would have been obvious. The Examiner has provided no reasons.

Further, even assuming, for the sake of argument, that SES could reasonably be construed as disclosing restricting a search to a domain associated with a particular store associated with a store name included in a received search query (a point that Applicant does not concede), Applicant submits that it would not have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the system of Bowman et al. to include this feature. Bowman et al. discloses a search performed on the Amazon.com web site (col. 4, lines 58-60). In other words, a search performed in Bowman et al. is already restricted to the Amazon.com web site. Thus, contrary to the Examiner's allegation, it would not make sense to

restrict a search to a domain associated with a particular store associated with a store name included in a received search query in the Bowman et al. system.

For at least these additional reasons, Applicant submits that claim 50 is patentable over Bowman et al., SES, and Teare et al., whether taken alone or in any reasonable combination.

Independent claim 12 is directed to a system implemented within one or more computer devices. The system comprises means for receiving a search query; means for determining whether the received search query includes an entity name corresponding to a particular entity; means for rewriting the received search query to include a restrict identifier relating to a domain associated with the particular entity when the received search query includes the entity name; means for automatically performing a search restricted to the domain associated with the particular entity, based on the rewritten search query, to obtain search results in lieu of performing a search based on the received search query; and means for providing the search results.

Bowman et al., SES, and Teare et al., whether taken alone or in any reasonable combination, do not disclose or suggest the combination of features recited in amended claim 12. For example, Bowman et al., SES, and Teare et al. do not disclose or suggest means for rewriting a received search query to include a restrict identifier relating to a domain associated with the particular entity when the received search query includes the entity name, as recited in claim 12, for at least reasons similar to reasons given with regard to claim 1.

Bowman et al., SES, and Teare et al., whether taken alone or in any reasonable combination, also do not disclose or suggest means for automatically performing a search restricted to the domain associated with the particular entity, based on the rewritten search query,

to obtain search results in lieu of performing a search based on the received search query, as further recited in claim 12.

The Examiner did not address this feature, but instead, generally referred to the rejection of claim 1 (Office Action, page 4). Claim 1, however, does not recite this feature. Therefore, the Examiner did not establish a prima facie case of obviousness with regard to claim 12.

Moreover, Applicant submits that Bowman et al. teaches away from the above-identified feature of claim 12. Bowman et al. discloses performing a search based on a received user query and presenting sets of related terms with the results of performing the search based on the received user query (col. 14, lines 13-18). Nowhere does Bowman et al. disclose or remotely suggest performing a search based on a rewritten search query in lieu of performing a search based on a received search query. Thus, Bowman et al. cannot disclose or suggest means for automatically performing a search restricted to the domain associated with the particular entity based on the rewritten search query to obtain search results in lieu of performing a search based on the received search query, as recited in claim 12. The disclosures of SES and Teare et al. provide nothing to cure these deficiencies in the disclosure of Bowman et al.

For at least these reasons, Applicant submits that claim 12 is patentable over Bowman et al., SES, and Teare et al., whether taken alone or in any reasonable combination.

Independent claim 13 recites features similar to, yet possibly different in scope from, features recited in claim 1. Therefore, claim 13 is patentable over Bowman et al., SES, and Teare et al., whether taken alone or in any reasonable combination, for at least reasons similar to the reasons given with regard to claim 1. Claims 44, 48, and 49 depend from claim 13 and are,

therefore, patentable over Bowman et al., SES, and Teare et al. for at least the reasons given with regard to claim 13.

Independent claim 38 recites features similar to, yet possibly different in scope from, features recited in claims 1 and 12. Therefore, claim 38 is patentable over Bowman et al., SES, and Teare et al., whether taken alone or in any reasonable combination, for at least reasons similar to the reasons given with regard to claims 1 and 12.

Independent claim 42 recites features similar to, yet possibly different in scope from, features recited in claim 50. Therefore, claim 42 is patentable over Bowman et al., SES, and Teare et al., whether taken alone or in any reasonable combination, for at least reasons similar to the reasons given with regard to claim 50.

Independent claim 43 recites features similar to, yet possibly different in scope from, features recited in claim 51. Therefore, claim 43 is patentable over Bowman et al., SES, and Teare et al., whether taken alone or in any reasonable combination, for at least reasons similar to the reasons given with regard to claim 51. Claim 59 depend from claim 43 and is, therefore, patentable over Bowman et al., SES, and Teare et al. for at least the reasons given with regard to claim 43.

Independent claim 52 recites features similar to, yet possibly different in scope from, features recited in claim 1. Therefore, claim 52 is patentable over Bowman et al., SES, and Teare et al., whether taken alone or in any reasonable combination, for at least reasons similar to the reasons given with regard to claim 1.

Accordingly, Applicant respectfully requests that the rejection of claims 1, 2, 11-13, 38, 42-44, 48-52, and 59 under 35 U.S.C. § 103 based on Bowman et al., SES, and Teare et al. be

reconsidered and withdrawn.

REJECTION UNDER 35 U.S.C. § 103 BASED ON BOWMAN ET AL., SES, TEARE ET AL., AND KORDA ET AL.

In paragraph 3 of the Office Action, the Examiner rejected claims 7-9, 45-47, 53-58, and 60 under 35 U.S.C. § 103(a) as allegedly unpatentable over Bowman et al., SES, Teare et al., and Korda et al. Applicant traverses the rejection.

Claims 7-9 depend from claim 1, claims 45 and 46 depend from claim 13; claims 53 and 54 depend from claim 52; claims 55 and 56 depend from claim 38; claims 57 and 58 depend from claim 42; and claim 60 depends from claim 43. Without acquiescing in the Examiner's rejection of claims 7-9, 45-47, 53-58, and 60, Applicant submits that the disclosure of Korda et al. does not cure the deficiencies in the disclosures of Bowman et al., SES, and Teare et al. identified above with regard to claims 1, 13, 38, 42, 43, and 52. Therefore, Applicant submits that claims 7-9, 45-47, 53-58, and 60 are patentable over Bowman et al., SES, Teare et al., and Korda et al., whether taken alone or in any reasonable combination, for at least the reasons given above and with regard to claims 1, 13, 38, 42, 43, and 52.

Accordingly, Applicant respectfully requests that the rejection of claims 7-9, 45-47, 53-58, and 60 under 35 U.S.C. § 103 based on Bowman et al., SES, Teare et al., and Korda et al. be reconsidered and withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner's reconsideration of the application and the timely allowance of the pending claims.

As Applicant's remarks with respect to the Examiner's rejections overcome the rejections, Applicant's silence as to certain assertions by the Examiner in the Office Action or certain

requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, reasons for modifying a reference and/or combining references, assertions as to dependent claims, etc.) is not a concession by Applicant that such assertions are accurate or that such requirements have been met, and Applicant reserves the right to dispute these assertions/requirements in the future.

If the Examiner believes that the application is not now in condition for allowance, Applicant respectfully requests that the Examiner contact the undersigned to discuss any outstanding issues.

To the extent necessary, a petition for an extension of time under 35 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY & HARRITY, LLP

By: /Paul A. Harrity, Reg. No. 39574/
Paul A. Harrity
Reg. No. 39,574

Date: November 24, 2008

11350 RANDOM HILLS ROAD
SUITE 600
FAIRFAX, VIRGINIA 22030
TELEPHONE: 571-432-0800
FACSIMILE: 571-432-0808
Customer No. 44989